App F, IX 4

1946 47

File No 110-46

Previous References
nunjcas 291-27 (1-2)
ml 45-35 - (23 26, 27)

(mil)

Serial Nos. 15, 16

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Sale of site for a Cinema-house in Dungi gali Extension Shimla.

No action

petition dt 30/6/45 from M H Mugaffar BA LLB MRA and others of Shimoga Town praying, for reasons stated, that the Shimoga Town Mal dt may not be permitted to dispose of the site in the Mill Shop road (near the Head post office) for the construction of a cinema at the place

1) Memo is put up on the petition forwarding the same to the D C Shimoga dt for a report in the matter called for

Mra 14/7/45

2) A report will be called for from D C Shimoga in the matter

Lawsuit for 1947

3) Cin 16-7-46

4) Issue for 1945

Sec 3 A Mra 14/8

L-345. 16/7/47

Petition dt 28-8-45 from one M Sreekantiah, President of ~~the~~ A Grain Merchants Assocn protesting against the sale dt for the construction of a cinema

re disposal of a site at Shimoga

86 V 1631 V ~~2420~~ V File No for the construction of a cinema

Continuation Sheet V 2353 Current No ~~V 2420/2~~ of Page

petitions from certain residents of Shimoga Town & from Mr B C. Narasayya advocate & others respecting the action of the Shimoga Town Mun. Cl in having disposed of a site at the place for the construction of a cinema

5/ subject.—

The premises petitions received from Mr H Lingappa, BA objecting to the disposal of certain site near the Head post office for the construction of a cinema at Shimoga was sent to the D C for a report. It is seen from the petitions now received that the opinion of the public of Shimoga is conflicting as regards the disposal of the said site for the construction of a cinema since hopeful the attitude of the Mun. Cl & others oppose for various reasons

6/ In the above circumstances a draft letter is putup to the D C calling for a immediate report in a

7/ Submitted with reference to paras 2 & 3 supra

Re C.f.

General and Revenue Secretariat | 481/1 | File No 2355 of 194 | [App'r. III-2 (3)

Serial No

8] D/t calling for a report from the D.C. Shimoga before the Govt. case is for appl. Advocate's opinion

Issued 9/11/45

10/11

ADDITIONAL SECRETARY No 25 / 1 Date 7-11-45 GOVERNMENT OF MYSORE

TYPING SECTION 10 NOV 1945 GEN. & REV. SECTT

To,

The D.C. Shimoga

R 3647 & 12-11-45 calls for a report from the D.C. Shimoga on No D3 C 236/45-46 & 2-2-46 & is a report

10] A draft D.O. letter is submitted to the D.C. Shimoga calling for copy of GO No R-5283-5/Rev 45-36-26 & 16-1-46 referred to in the D.C's letter as the same is not available here.

Govt Asst 19/11

13/2

11] Immediate 13/2/46

R 8260 & 14-2-46. calls for copy of GO & 16-1-36

NOTE—Contn Sheet

disposal of land for the construction of a cinema at Shimoga

File No of 194 . | General and Revenue Secretariat

Serial No

From the D C Shimoga
No 173 C 236/45 dt 18/2/46
Forwarding particulars called for

12) The land which is proposed to be disposed of for the construction of a cinema at Shimoga is included in the area acquired under G O dt 16-1-46 in connection with the improvement of the Town

13) In the year 1928, an order was also issued from this Govt to keep this particular area vacant and not to issue licenses for the construction of buildings at the spot, as it was considered by the then Dewan that it was not desirable to permit any structure being erected there on account of the aesthetic aspect of the place itself with this view, the construction of a mosque as originally proposed was not permitted there vide G O dt 8-5-28 (Pg C)

14) As seen from the report of the D C, the site referred to above was disposed of in

E

the then D C's report dt 17-3-28 (Pg V)

Serial No

a public auction for Rs 19,200/- in favour of one M. Hanumantha Venkata Sastry for the construction of a cinema

15) It is reported that the construction of a cinema at the place would only serve the purpose of improving the spot but would also meet the demand for well-equipped modern cinema house at that particular area

16) But there is a protest from certain residents of the place against the construction of a cinema at the spot as a number of the dwelling houses just near it. The D.C says that it is true that there would be some disturbance to the people of the locality but for many reasons stated, he is also in favour of disposing the site for the construction of a cinema.

17) In the above circumstances the Govt. Architect and the D.P.H. may be requested to furnish them opinion on the suitability of the spot selected for the proposed in the first instance

NOTE—Contn Sheet

6/ construction of a cinema 3481 5800/L

File No ab 8 in 9a of 194 | General and Revenue Secretariat

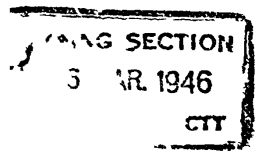
	Serial No	
in view of the report received from the D.E. & the then D.C and the orders passed thereon vide GO dt 8/5/28 the file may perhaps be sent to officials with reference to paras 3 & 4 supra		× V. C
(4) The Deputy Comr., Shimoga 28/2 has raised several points for orders in this connection they are all enumerated in the portion marked in P V P (page 7)		6657 7/3
(5) Before deciding the question, it is necessary to obtain the opinion of the Govt Architect & the Director of Public Health as to whether the site in question is suited from the health and other points of view for the construction of a cinema		A
1) After their opinions are received, the question of lifting the ban imposed in the G.O. dated 8th May 1928 against the construction of a mosque or any other building in this Park area may have to be considered		C May 8th C
2) For orders re A supra		
3) A Jeep Road Key Reversing Turn 3 days for Each Sikh & Turn chevron 4/3/46 24) 8/5 attempt		8/8/28

disposal of Land for the construction of cinema at Shimoga

5-48
V/6455/L

25/ submitted with a dft letter — ref para 23 of the notes

mca 6/3/46



26/ Approved

6/3/46

To,

The D P H

The Govt Architect

L 9111-2 & 8/3/46

calls for certain information

From — the Govt Architect

No L 027 & 31-3-46

transmits his opinion in the matter

27) A draft D O R is submitted to the D P H

mca 21/3/46

28) If approved of necessary

21/3/46

L 9710 & 21/3/46

1) Resubmitted, as directed above

mca 25/3

25/3/46

construction for cinema at Shimoga -

6455/L

(CF)

30) Send the draft Do Rs submitted to the Dy. Ly
Secy 5/4

31) Done accordingly
for Secy

Secret No L 10504 of 5 4 1946.

From the Dir of Public Health
No C 94-393/45-46 of 4 4 46.
Furnishes his opinion in the matter

---

32) Subd the file relates to the sale & allotment of a certain site for the construction of a cinema at Shimoga.

33) In July 1945 certain residents of Shimoga town petitioned to prevent the sale & allotment of a site measuring 200' x 200' near the municipal park at Shimoga, through the construction of any building at the place had been prohibited by Govt. A report was called from the Dy Comr, Shimoga & which is read now:

TYPING SECTION
6 APR 1946
GEN. & REV SECTT

construction of a cinema at Shimoga

Serial No

33) It is seen from the report of the Commr that certain S-Nos in Shimoga Village comprising of S Nos 3, 4, 5, 6 & 7, situated to the east of the road leading from the Govt Industrial Workshop to Durgigudi, & the New Railway Station & were originally garden lands & with a view to improve the sanitation & to form a neat extension, the S-Nos refd to above were acquired by the Shimoga Town Municipal Council as per Govt no L 5283-5/ML 45-35-26 dt 16/4/1936. The Dy Commr states that, in response to the demand of the public of Shimoga for the construction of a cinema House in the area referred to above, the Municipal Council resolved on 18/4/1945 by public auction a site measuring 200' x 200' to the east of the road from the Industrial workshop to Durgigudi Govt accordingly sold to one Mr Hosoor Venkata Sastry for Rs 19,200

34) It may be seen from the sketch enclosed to the records that the Cinema site now sold comprises of a Municipal land measuring 2 guntas

NOTE—Contn Sheet

10) Construction of a cinema at Chunnakam

File No of 194

General and Revenue Secretariat

Serial No

& a portion of the Lorkai land (L.R.O. 8) the municipal council have not taken any action yet to dispose of this land which belongs to the govt.

3) One of the objections taken by the petitioners for the construction of the cinema on the spot is that it had been ordered in 1928 not to construct any buildings in connection with the construction of a mosque that no buildings should be constructed in the Park Area. The Dy.Com states that as his office & papers are not available, he cannot say now for that order is now applicable to this case. It is seen from the minutes Collection 291-27 (102) placed below that the prohibition of the buildings on the spot was on aesthetic grounds & not on eminent grounds & so, it is doubtful if the construction of buildings may be permitted there now. The construction of a cinema in an inhabited area is complained to be a source of nuisance to the public.

3) The points for order are —

1) Whether the construction of a cinema at the place may be permitted in contravention of govt order of 8.5.1928

2) Whether the sale of the land by the municipal Council in contravention of sec 38(2) of Town & Country Planning Act may be ratified.

36) Both the Div. Off. & the Govt. Architect are in favour of constructing a cinema on the site.

(3)

Construction of a Cinema at Shimoga

6455 V 705(a) (11

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

3) Whether the action of the Municipal Council in having taken over 6 guntas out of Sarkar Taluk for the construction of cinema may be approved or not, on what conditions

4) Whether the remaining portion of the Sarkar Taluk (S. No 6) may be granted to the Municipal Council free of cost or on payment of a nominal cost to keep the park area neat & free from encroachment.

18/4/46 38) The Rev Branch has to be consulted in regard to items (3) & (4) above.

39) It is seen from the Sketch (Flag D) that 6 guntas of land out of the S no 8 which is a tank have been included within the area sold by the MCC for a cinema site. Whether this extent may be given away to the Municipality or not on what conditions has to be decided. Further, the D.C proposes to give away to the MCC the remaining extent of Bare 12 guntas out of the tank for the formation of a park. Whether

NOTE—Contn Sheet

S 481 V 7031

File No of 194 | General and Revenue Secretariat | Serial No

What conditions is a grant for ordn
The opinion of the Revenue Branch on
the above point may be asked
in the first instance for orders - Refer para 23 supra
new regd Dr
18/4/46
(a) Yes. Both have Cancelled
the DC grant and any portion
of a tank bed, without
ordered first

Dar
23/4/46
Sec
28/4/46

Subd. Is the municipal council which is responsible for having sanctioned a portion of the tank (and tank bed) without obtaining the sanction of Govt, Revenue 'sanction' of land & then action the municipal council
2 lacs 10 and 20 Cs of the Dfs after
2 and 3 of 1946 The Dfs Himaya
suggests a way out of the difficulty
caused by the irregular action of
the Municipal council so that it may
be regularized Refer para 4 of supra
1 the file will be refd to the Revenue
Branch for opinion as suggested at
para 23 supra.

Yes. R. Cant have to be consulted
Rev Regd Dr 29/4/46
Dr 30/4/46 Govt formalities Revenue

Construction of a cinema at Shimoga 5481/7051

and Revenue Secretariat | File No | of 194 | [App F

R. 6087

Serial No

(1) For favour of furthering necessary action

(2) Under Secy. L.R. Branch (Rec'd) for info 30/4/46

(3) Under Secy to Govt Rev Dept for info 1/5/46

Forwarded with compliments to the Revenue Commissioner for remarks on the points raised at para 3 of the notes

By order

Sd/- [illegible]
for Secretary to Govt Rev. Dept

8/5/46

C2-4629/45-46

Subject Construction of a Cinema Theatre at Shimoga - disposal of S No 8 (abandoned tankbed) of Shimoga Village

Retransmitted with compliments The 6 guntas of land forming part of the tank bed of S No 8 which have been included in the cinema site sold by the Municipality may be made over to them on condition of recovering the proportionate cost out of the sale realization in respect of the same The remaining extent of the tank bed measuring 5 acres 72 guntas may also be made over to the municipality for a nominal upset price subject to the condition that the Municipal Council undertakes to keep the area neat and tidy by laying out a park.

Revenue Commissioner
15-6-1946

18/6

18/6

Submitted with reference to paras 39 and 42 of the

18/6/46

NOTE—Contn Shee

The present qn is about the disposal by the municipality of a portion of the tank bed (S nos 8) even without orders of govt ~~approving the~~ of the Site while auctioning the Site for a Cinema

From the Sketch available in the file, it is clear that the municipality has included ~~Seen but the Municipal authorities were aware of the inclusion of the~~ 6 gunthas of S.no 8 (tank bed) in the Cinema Site The D.C in his report states that until this plan was got prepared by him through the Taluk Officers, the municipal authority did not know that govt land has been included in the proposed Cinema Site

Hag 'Z'

Such a plea of ignorance in respect of a well known ~~plot~~ Govt Land Centrally located plot which still retains the traces of a tank bed & protected by the municipal authorities ~~cannot~~ can never be accepted. When they are disposing of this plot in favour of third parties for a fairly big amount before ascertaining such title publicly as they have tries to give in this case and after being fully aware that this area should be preserved as a public park according to Govt orders of 1928 the municipal authorities should have taken all necessary precautions to verify the ownership of the plot. It is fortunate that this irregularity was noticed before

the grant was confirmed

50) Now that this extent of 6 guntas is unconsciously or consciously been included in the formation of the site for the Cinema and sold for quite a decent sum, it is but natural that Govt should get proportionate share in the sale realisations Both the D.C and the Re recommend that this extent of 6 guntas may be alienated in favour of the Municipality on recovery of ~~the amount~~ 3 & 60/- as calculated & reported by the D.C. Their recommendation may perhaps be approved, provided no other objections

51) Apart from the disposal of 6 guntas the Qn revolves round the disposal of the remaining extent of 3-12 guntas which forms the topic bed

52) This area is recommended to be given both by the D.C & Re for a nominal upset price on condition that this area should be kept neat & tidy by forming a park

53) As a matter of fact, this area is already ordered by Govt in 1928 to be kept as a public park & the Municipality has attempted to lay claim over it by its recent act shows how it has respected a previous Govt order So it is not desirable that this large extent should be given over to the Municipality on any nominal value The land, as proposed is in

in the middle of the town and situated very close to the several public buildings. It is possible that when an expanding town like Shimoga, does require building area for locating its own offices & buildings in a central area, apart from the open ground serving as a lung space or in the words of the Govt Architect-

1+2-4(7)

Hag 'X'

5 (1) In such circumstances, the ~~representation~~ recommendation of the Revenue Dept may be to grant the remaining extent of the land on which no upset price may not be appd

(Rev Secy) 8/6 29/6

2 It is clear from the records that the Shimoga Town Municipality have disposed of such land in respect of which they had no claim. It is indeed surprising that the Vendor & the Vendee have both been callous about the ownership of the land and the nature of rights that was intended to be transferred. Even so, the land has not been appropriated for a public purpose. It is for the benefit of an individual

though it might be argued that a Cinema house provides amenities to the citizens of the local area. In any case, since the tank bed is no longer required for use as such, the proposal of RC to alienate 0.-6 guntas of land on recovery of the proportionate share of the Sale proceeds realised by the Municipality may be affd. as a special case.

5(1) In regard to the other proposal of RC to alienate the balance of 3 acres + 12 guntas and make it over to the Municipality for a nominal price, the G.O of 1928 (Flag "N") is clear that it should be converted as a park and there is no special reason at this distance of time, why any proprietary right over this land should be vested in the Municipality

There should be no objection to the Municipality to maintaining a park on this bit of land, on condition that the land will be surrendered to Govt when demanded without claiming any Compensation but would seem to be ~~both~~ in the interests of Govt & the Municipality

Minister for Rev

8/7

8/7

8/7

57) I think the municipality was somewhat high handed in its scheme of Govt land to a private party for a Cinema but in as much as the Govt order of 1928 such action should not be encouraged & therefore the sale of 6 Gunthas is not affected the D.P.H. the Govt technical advisers of non-officials are not in favour of Cinema theatre at this place the open land may continue for the present to be in possession of the Govt as it may be required for Govt offices etc when I have reasons to

OFFICE OF THE MINISTER FOR REVENUE
No. 302
Date 9/7

R/302 ~~Cost~~ 705/(a)

West Khasi Hills will study the question on the spot & give further instructions if necessary

10/7/46

57/11/7

58) The file was referred to the French for opinion (see para 42 of the notes) from the L&S Br & approval this will be returned to that Br for further action.

11/7/46 59) Since the file was sent from L&S Branch for opinion, the file will be sent to L&S Perhaps L&S Br will issue the G.O. order and also intimate the orders of the Minister in para 57 for information

(Rev Secy)

Asst Secy (W/C) L&S Br

60) 11/7

61) Draft reply attached

12/7/46

Submitted with a draft letter

12/7/46

7051 a

63) A draft reply to the D.C. Shimoga Asst in accordance with the remarks of the Finance Secretary is submitted for approval.

614/1317 64) This is an important matter relating to Shimoga - a Dist Headquarters by itself. Being Headquarters of the Dewan for personal, because of orders above

Dewan)

15 JUL 1946
NO. 4446

Revenue
13/7/46

Law
13/7

TYPING SECTION
24 JULY 1946

Law
20/7/46

Law
23/7

Secy
23/7/46

To,
The D.C. Shimoga Asst
L 1158 of 25-7-46
Rejects the proposal with certain observations

Secy
25/7

70 51/CS/L

Re Construction of a ~~Shemaya~~ entrance at Shemaya

The Minister for Rev was pleased to order at para 57 of the note supra that when he had occasion to visit Shemaya, he would study the question on the spot and give further instructions, if necessary.

As the Minister has programmed to visit Shemaya on 25/9/47, the file is put up

Subd - for kind perusal of the Minister at Shemaya.

Ag 22/2 Personal Assistant to the Minister for Rev from Kamina 24/9/47

I have seen the spot during the course of my tour in Shemaya the last week. It is best that the site in question is kept open No further action is necessary

6/3 7/3 7/9/47

B-7347

OFFICE OF THE MINISTER FOR REVENUE
No 6983
Date 24.2.47

ME 126-46-28
ME 110-46-15

REV & REV SECT 186 L
6 JULY 1945
L S G BRANCH

To,

The Government of His Highness
The Maharaja of Mysore,
Bangalore

47- Secy.
4 1945
GOVT CELL

Petitioners - 1 H Lingappa B A ,LL B ,
Advocate & Member Representative Assembly, & President Nagar Division Veerasiva-Hostel, Shimoga
Hulikere Shanthappa, Iron Merchant

2 ~~M.K.Ramanatha Pai, Medical Practitioner~~, Shimoga

3 G C Murigeppa, Timber - Contractor & Land-holder, Shimoga

4 P. Murudappa B A ,B L , Advocate, Shimoga

5 D Halappa Manjappa, Merchants, Shimoga

6 T Seenappa Setty & Bros Merchants, Shimoga

and several others citizens of Shimoga

The petitioners and the under-signed residents of Shimoga Town beg leave to bring the following facts to your kind notice and for favourable orders -

There is a small park in Shimoga just in front of the Town Hall To the west of this Park there is a tank bed which has been considerably filled up from the last about 10 years The High Road from the New Railway Station called the Balaraj Urs Road, runs in front of the house of Messrs G Krishna Iyengar, H Rama Sastry,

Honnali Nawab Saheb, H Lingappa, G C Murigeppa, P Murudappa and joins the Amir-ahmed Circle in Bangalore Honnavar Road, Shimoga. The whole area around the Shimoga Park abutting the above said and several other houses is called - the Park Area When several house sites were disposed of by public auction in the year 1935-36 it was given to understand that no sites will be allocated in the said Park Area and that no buildings will be allowed to come up The petitioners also learn there is a mention -note or direction by the then Dewan of Mysore that the whole area should be maintained as Park area and that no sites should be disposed off to the public for building purposes Several people on that specific understanding have built good houses and Bungalóes at very heavy cost namely at a cost of Rs 20000/- or Rs 30000/- Since it is an open area now all the houses command very good view and the present park area is valuable asset not only to the petitioners but to the entire public of Shimoga and it is a feast to the eyes of the - visitors

The Municipal authorities have been with out even giving notice to the Public have speedily been demarkating a site of 200 feet by 200 feet in the Park Area and converting into a site for building a Cinema house and have intended to be disposed of by public auction The said site to be disposed of by public auction is situated in the Workshop road and is very near to the several dwelling and family houses If a Cinema House is allowed to be erected there it will not only

be

be a great nuisance to the surrounding residential houses but also it will be a great loss from the cultural and aesthitic sense of the citizens and visitors of Shimoga Town

If a necessity for a Cinema house in about that locality is felt by the public there are several other places within a few yards from the said site i e in the open space between Mr Narayanarao's Rice Mill and Mr. P. Murudappa's house, at a distance of 3/4 furlong from the Collectorate wherein without the least inconvenience to the public a Cinema House can be allowed to be constructed The petitioners unhesitatingly say that if the Municipality is allowed to dispose of the said site it will permanently mar the beauty of the park and the park area

Very close to this site intended to be sold by the Municipality there is the Nagar Division Veerasiva Hostel wherein about 60 boarders are lodging If a Cinema House is allowed to be built near the Hostel, it will be a great nuisance to the students The authorities of the Hostel applied to the Municipal Council for not allowing any Cinema house to be built in the neighbourhood of the Hostel and their reasonable request has not been heeded to

For the above reasons the petitioners and the undersigned citizens of Shimoga pray most respectfully that the Government be pleased to order the Municipality not to dispose of the said site ~~xxxxxxxxxxxxx~~ in the Work-shop Road near the Head Post Office to the public and even if it the Municipality has already disposed it of to with-hold confirmation of the sale and to direct the Municipal authorities to keep the site as it is

from

from a long time an open space forming part of the park area

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

WD 0565—GPB—22 500—8 11 38

147

No 2 3647 12/8/14

To,

The D C Shimoga

Sir,

In inviting reference to the office memo No 2 345 of 16-7-45 forwarding (in original) the petition of 30/6/45 submitted by M H Lingappa B A LLB M R A protesting against the disposal of certain site near the Head post office at Shimoga for the construction of a Cinema, I am directed to forward hereunto (~~in the~~ (in original) a letter of 28-8-45 received from ~~me~~ M N Sreekantaiah, of Shimoga ~~and two~~ protesting against the sale of site for the said purpose and giving more

petitions from certain residents
of Shenango supporting the attitude
of the Board in the disposal of the
Sand site and to request
you to submit a detailed
report with your definite
opinion in the matter, without
any more delay.

The matter is to be treated as very urgent
and a report is to be before the 25th inst.

I have etc

[signature]

Secretary

OFFICE OF THE DEWAN OF MYSORE.

Order

1946 - 2355

No 1021/45 & S.G DIV. CH.

Name of Petitioner M B C Narasayya

Advocate & others, Shimoga town

~~Village~~ Shimoga

Taluk Do

District Do

Date of Petition 24-9-45

Date of Receipt 25-9-45

No of Enclosures 2nd

ABSTRACT

Sale rule the present, Town Municipal council, Shimoga town, got a Cinema theatre constructed in the Vacant ground opposite the Head Post office, facing the Circle at the Devaraj urs extension, in Shimoga town, and had it sold by auction for a sum of Rs 19,200 & that this was proved beneficial to the municipality not only in respect of income but also in having a nearby place of land into a useful public place of entertainment But that some of the people of Shimoga have been agitating that the auction Sale should be cancelled & the building should not be used for Cinema etc In the circumstances they request that the proceedings of the municipal President may be approved as it is in the

Submitted to the Assistant Secretary

By order

N Narasimha Rao 26 9 45

Personal Assistant to the Dewan

Done 27/9/

Petition signed by 183 residents of Shimoga Town
Dated 24th Sept 1945

The Municipality has laid out a site, opposite the Head Post office circle, Durgigudi, for a cinema theatre and sold it by auction for Rs 19,200/- This has meant a large income to the Mlty and, what is more, also done much good to the public, in that the vacant site was not only a dirty place but contained many pools at which stagnant water was helping the spread of malaria in the town The construction of a cinema theatre instead will, on the one hand, lead to improvement in the sanitation of the locality, and on the other, will provide a healthy recreation to Durgigudi as a whole We have no ~~doubt whatever~~ reason to fear that they may cause any kind of inconvenience or trouble to any residents in the neighbourhood With the sale proceeds of this site the Mlty has been enabled to fill up many cess pools & manure pits both in Durgigudi and in other parts of the Town also We consider that this is nothing but our good luck

Such being the truth, we are surprised to learn that certain interested individuals — who, fortunately, are very few — are trying to see that the sale of the site is not approved, by agitating against a cinema theatre at the place in question, and by misleading some prominent men into the belief that the successful bidder at the auction mentioned above has unfortunately been put to considerable loss In case this information is correct, we would like to represent that those interested individuals should not be allowed to have their way Before holding the auction, the Muni President took a lot of interest in the matter, examined the question thoroughly, secured approval of the Council well in advance, and then put up the site to auction The general public could have no grievance on account of the proposed theatre, on the other hand, the Durgigudi Extension as such and the residents thereof should regard it as their good fortune We are most grateful, on this account, to the Muni Council & its President We therefore pray that our benign Govt will consider the case with sympathy and with due regard to the public health, and to the additional circumstance that the two Cinema theatres already existing in Shimoga are not situated in equally desirable localities

I 3 C 236/45-46
Incl Records

Office of the Deputy Commissioner,
Shimoga District,
Dated, Shimoga 2nd February 1946

To

The Secretary to Government,
Revenue Department,
Bangalore

Sir,

Subject:- Sale of site for Cinema House in Durgigudi Extension-Shimoga Confirmation of- objection petition from the citizens of Shimoga Town re the disposal of the site in question

With reference to your Memo No L 345 dated 14th July 45 and subsequent letter No L 3647 dated 12th November 1945, forwarding for report the petition signed by Messrs H Lingappa & P Murudappa (Advocates) and others of Shimoga Town, objecting to the disposal of the bit of site for Cinema House, on the Work-shop Road, Durgigudi Extension, I have the honour to forward herewith in original the detailed letter No C3 MC 4/45-46 dated 14th September 1945, received from the Municipal President, Shimoga in the matter and to state as follows -

2) Certain S Nos in Shimoga Village comprising of S Nos 3,4, 5, 6 and 7 situated on the eastern side of the Road leading from the Government Industrial Work-Shop to Durgigudi and the New Railway Station Road, were originally garden lands and formed a source for breeding Malaria in Shimoga Town With a view to prevent this and to improve the sanitation of the Town and to form a neat Town Extension, five S Nos referred to above were acquired by the Shimoga Town Municipal Council in accordance with Government Order No L 5283-5/MI 45-36-26 dated 16th Jan'36 Just to the north of S No 7 (referred to above) there is a vacant strip of land belonging to the Municipality This bit of land measures 31 guntas To the west of the aforesaid land of the Municipality, there is S No 8 which is a Sircar Tank with no patch at under it

3) There was pressing demand by the Public of Shimoga for disposal of a site in the Garden Area, comprising of S Nos 3, 4, 5, 6 and 7 aforesaid for the construction of a Cinema House in the locality for the use of the Public - While applications received

from Messrs I Sitaramayya & Sons Hosanagar, (2) M V Devaraya, Nut-Merchant, Shimoga (3) and Bommaiah Gowda, and H Rangappa Gowda & Co , Nut-Merchants, Shimoga, enclosed in the Records

4) The Municipal Council, Shimoga, considered the several applications referred to above, at its Meeting held on 18-4-45 and passed a resolution to the effect that the site measuring 200' x 200' (Ft) which is to the East of the road, leading from the Government Industrial Works-shop to Durgigudi, be sold by public auction, for the purpose of a Cinema House

5) In pursuance of this Resolution, the Municipal President, after giving due publicity to the sale of site in question, sold the site by public auction on 30-6-1945 There was keen competetion at the sale and it was finally knocked down for Rs 19,200/- in favour of one Mr Hosole Venkata Sastry The full amount of the sale proceeds is stated to have been recovered and credited to the Shimoga Municipal Funds The sale in question was confirmed by the Municipal Council at its Meeting held on 21-7-1945, subject to the approval of Government as required in section 68 (2) of the Town Municipalities Act The Municipal President requests that the sale in question might be got confirmed by Government

6) It is after the holding of the sale of the site in question, that the petition under reference seems to have been sent to - Government urging for the cancellation of the sale on the several grounds mentioned therein, particularly on the ground that the site now disposed of is in the Fort Area, where the construction of any building was prohibited by Government in the year 1926 Then - again, copy of a petition by Gurubhakta Tilaka Mr N Srikantiah, Manager of the National Arecanut Syndicate Ltd , Shimoga, addressed to the Minister for Agriculture, protesting against the disposal of the site in question, was received in this Office on 29-8-45 Thereafter, the two petitions were referred to the Municipal - President for submission of a detailed report on the several points urged therein

urged therein The Municipal President has explained each point and has discussed therein fully the circumstances under which the bit of land has been sold

7) I inspected the spot in question along with the Municipal President, the Vice-President, and the Amildar Shimoga Taluk, on 31-10-1945 Due notices had been sent to the seven signatories of the objection petition, of the proposed spot inspection on 31-10-1945 and it was got duly served on most of them At the time of spot inspection, among the signatories to the petition, only Messrs (1) Mirulappa, (2) Muregappa (3) G M Channappa and (4) Hulikere Shanthappa were present I heared their grievences Messrs G M Channappa and Hulikere Shanthappa who are signatories to the objection petition, represented that they had no objection to the sale of the site for a Cinema - House in the locality But Messrs, Marulappa, Advocate and Muregappa, said that a Cinema House in front of their houses will not only take away the open space, marring the beauty of their houses, but would also be a source of nuisance to them Further Mr Marulappa, said, that he had no objection, if the Cinema House is built on the Vacant Strip of land which is on the - Southern side of his house

8) I have examined the question in detail and with reference to the several points urged in the objection petitions The enclosed note explained the several points mentioned in the petitions

9) It is true that there will be some disturbance to the people of the locality, especially to Messrs Marulappa and Muregappa, who have their houses just in front of the proposed Cinema Site But the Municipal Council have reserved the power of insisting on the purchaser of the site constructing the building in - accordance with a plan to be approved by them, which will be in consultation with the Government Architect, whose approval will also be obtained to the location of the Cinema building with reference to the surrounding buildings and the Park area

It may therefore be possible to minimise the disturbance likely to be caused by the cinema house by properly locating the same. Apart from this, even in big towns, Cinema houses are to come up in the centre of residential areas. As such I feel that this objection cannot be taken as a valid objection to the disposal of the site.

(3) As regards the position and location of the site now sold by the Municipality, I forward herewith a sketch of the area / under reference, obtained from the Amildar, Shimoga Taluk. It is seen therefrom that the portion marked A B C D - measuring 200' X 200' is the site that is now sold. The plot shown in the red colour, marked A B E D measuring 25 guntas is Municipal land. But the triangular bit of land marked B C E (marked in the sketch) measuring 200' X 61' or six guntas in area which is a portion of S No 8 (of Shimoga Revenue Village) is a Sircar Tank, with no atchkat (under it), has also been - included in the site marked A B C D and disposed of by the - Municipality without obtaining the required sanction from the Revenue Authorities. The gross area of S No 8 (which is a - Sircar Tank) is 3-18 guntas.

(4) It was irregular on the part of the Municipality to have included an area that did not belong to it, while marking out a site for construction of a Cinema house. Till the area was - measured out as per my instructions, the Municipal Authorities had no idea that a portion of Government land had been included in the site. Action will have to be taken to obtain necessary - sanction to the alienation of this portion (in S No 8) in favour of the Municipality, if the sale of this site by the Municipality, is approved.

(5) With regard to the point raised by the objectors to the effect that the construction of buildings in the park area has been prohibited by Government, I write to state that from the references available in this Office, I see that in the year 1928, when the question of constructing a Mosque and an Idga, in the Park Area, for the use of the Muslim residents of Durgadli, engaged the

attention

attention of the Mohamadan citizens, the Luzrai Commissioner in Mysore, Bangalore, submitted proposals to Government, vide his letter No 286/26-27 latel 11-4-1928, recommending the cancellation of the site already granted to the Mahamadans and further allel that the Shimoga Town Municipality be required not to issue any license for the construction of a Mosque or any other building in the Park Area These proposals were approved by Government-Vide Covernment Orler No 2023-5/Luz 291-27-2 latel 8th May 1928-Vide copy of Government Orler enclosel for favour of reference As the original records bearing on this subject are not available in my office, I could not verify the exact circumstances urler which the construction of a Mosque or any other building within the Park Area, was prohibitel I presume that such an orler was passel as the matter involvel was a communal one The Secretariat records relating to the question ~~in classify~~ may kinlly be lookel into to classify the position

13) In the light of the aforesaid prohibitory orler from Government, I feel that the Municipal authorities should have taken orlers of Government to the disposal of the site for the aforesaid area for the construction of a Cinema House, and also to get the triangular bit of land-marked B C E in the sketch (portion of the Government abandoned Tank) alienated in favour of the Municipality Besides, sanction of Government was also necessary to the disposal of the site-worth more than Rs 1,000/- Hence the action taken by the Council to dispose of ~~this~~ the site for the construction of a Cinema house was not correct

14) However it must be noted that the bit of site that has now been sold and also the adjoining open space comprising of S Nos 3, 4, 5, 6, 7 and S No 8 (abandoned Sircar Tank) constitutes an area which is full of pits and uneven surface, where water pools are formed in the rainy season Consequently this is a malaria breeding place and a source of nuisance to the residents of the surrounding areas It is therefore not advisable to keep this area open, from the point of sanitation and public health of Shimo Town

Out of the grant of Rs 10,000/- sanctioned to the Shimoga Town Municipality during 1944-45 for filling up insanitary pits in the Town, as an anti-malaria measure, the Shimoga Municipality have undertaken to fill up the insanitary pits in the area referred to above by expending heavy sums They have got the entire area levelled up and the object with which the Council decided to carry out a site here for the construction of a Cinema house is to improve the surroundings as already stated, I am of opinion that the construction of a Cinema house in this area will not really be much of a nuisance but will meet the demand for a well equipped modern Cinema house in this part of the Town The existing two Cinema houses in Shimoga are located in a congested area of the Town It is therefore very desirable to have one more cinema house in this part of the Town

(6) By the present sale of Cinema site, the Municipal Council have realised a fairly good income, Viz , Rs 19,200/- for a total extent of 61 Guntas which includes six guntas of Sircar abandoned tank The proportional cost per gunta works out to Rs 640/- or Rs 3,840/- for six guntas

(7) The Municipality has however spent a heavy amount to breach the tank and to level the surrounding areas, with a view to keep the area free from congestion and to prevent the stagnation of water

(8) Further, the remaining portion of S No 8 1 e , the abandoned Sircar Tank is not useful to Government for any other purpose It appeared to be desirable to permit the Municipality to level up the construction area and to form a park here I am therefore of opinion that the remaining extent of 3 acres 12 guntas of the abandoned tank, may be given over to the Municipality free of cost or after recovering a nominal upset price, subject to the condition that the Municipal Council undertake to keep the area clean and tidy by laying out a park

17) In the circumstances, I recommend that the disposal of the site measuring 200' X 200' (as shown in the sketch furnished by the Amildar) might be confirmed in the name of the present auction purchser, Mr Hosole Venkata Sastry, subject to the following conditions, Viz , 1 that the auction purchaser should strictly conform to the conditions setforth in the sale notification

2 that, the purchaser should construct a Cinema House on the site, according to the specifications and plans to be approved by the Government Architect

18) I further solicit the favour of orders of Government on the following points, Viz ,

(a) that the directions issued to the President of the Shimoga Town Municipal Council, not to issue any license for the construction of a Mosque, or any other building in the Park Area, Vide Government Order No 2023-5/Muz 291-27-2 dated 8th May 1928 may kindly be raised,

(b) that the action of the Municipal Council, in having disposed of the site under reference, contrary to the procedure laid down under section 38 (2) of the Town Municipalities Act may kindly be ratified,

(c) that the action of the Municipal Council in having taken over six guntas of land out of S No 8 (a sircar abandoned tank) and adding it into the site area measuring 200' X 200' (which has been disposed of by public auction) may kindly be approved on condition that the ~~proximate~~ proportionate sale price realised by the Municipality by the sale is credited to Government

(d) that orders of Government may kindly be obtained and communicated for handing over to the Shimoga Town Municipality (the remaining portion of the abandoned tank viz , S No 8) measuring 3 Acres and 12 guntas, (after deducting six guntas already taken over and disposed of by the Municipality) free of cost, to enable the Municipal Council to keep the Park Area neat and free from congestion

Now after recovering a nominal upset price

These recommendations are made on the assumption that the Government Order prohibiting disposal of the area for building purposes was made on communal considerations I am unable to furnish a definite opinion in the matter in the absence of the original records relating to the subject leading up to the Government Order No 2023-S/Muz 291-27- 2 -- dated the 8th May 1928 If however the above decision of Government was on other grounds, the original papers may finally be forwarded to me to enable me to furnish my definite recommendation in this matter

The mass petition presented to me on 31-10-45, at the time of spot inspection is forwarded herewith The signatories of the petition have among other matters stated therein that the - construction of a Cinema House on the site now sold by the Municipality is quite necessary, that they are in favour of the construction of a Cinema house, and that the sale already held might be confirmed

The entire sale records together with the petitions received with your marginally* noted communications, are forwarded herewith

1 Memo No L 545 dated 14-7-45
2 Letter No L 3647 dated 12th Nov 45

for favour of reference and and return when done with

I have the honour to be,
Sir,
Your most obedient servant,

Dep'ty Commissioner,
Shimoga District

nsp 2

Brief note prepared in juxta form on the several objections putforth by some of the citizens of Shimoga Town in regard to the disposal of a site lying on the eastern side of the road leading from the Government Industrial Work shop road to Durgigudi

Points objected to	Replies furnished.
1 That there was direction from Government that no sites - should be allocated in the Park Area and that no buildings should be allowed to come up - thereon -	On a previous occation when the Muslim residents of Durgigudi Extension wanted sites for construction of Edga and a mosque in the park area in the year 1926, and on the recommendation made by the Huzrai Commissioner (Vide his letter No 286/26-27 dated 11th April 1928) stating that the site already granted to the Muslim might be cancelled in the circumstances explained, in his letter to Govemment and the Shimoga Town Municipality be requested not to issue any license for the construction of a mosque or any other building in the park area, Government issued orders to the - Municipality prohibiting them from issuing any license for the construction of a mosque or any other building in the park area-Vide Govemment Order No 2023-5/Muz 291-27-2 dated 8th May 1928
That the Municipal Authorities were making arrangements to sell the site without giving wide publicity of the sale	The fact that the site in question (in the area referred to above) would be sold by public auction on 30-6-45, was duly published, by means of issuing 1 printed hand bills dated 16-6-45 both in Kannada and in English 2 by issue of a printed sale notification with conditions laid down 3 by publication in the following Kannada and English News Papers - 1 in Jaravani dated 26-6-1945 2 In Daily Post " 23-6-1945 25-6-45 3 "Tainalu " 27-6-1945 4" Samyuktakarnataka dated 26-6-1945 5 "Daily News 2 25-6-1945
that if a cinema house is allowed to be constructed it would be a great nuisance to the surrounding residential houses	This has been explained in the body of the covering letter addressed to Govemment
That if such a necessity arises for a cinema house in about the locality-i e , the Work-Shop road near Durgigudi, the cinema house might be allowed to be constructed in the open space that lies on the western side of the Work shop road i e , between Mr Narulappa's ~~xxx~~ house-the chief objector of the cinema building ~~xx~~ and that of Mr Narayana Rao's Rice Mill	At the time of inspection of the spot on 31-10-45 by me Mr Narulappa was present at the spot He said that nuisance might be caused to his house allowing to build a Cinema House on the spot which is in front of his house He expressed that such nuisance might be avoided ~~of the Menace~~ by constructing a cinema house on the vacant site just by the side of his house The Municipality has undertaken to insist on the party to construct a cinema building of the type to be approved by the Municipal Council and the Govemment Architect In view of this, the objection

In view of this, the objection cannot be deemed to be a valid one Cinema buildings are allowed to be built in the populated areas in many of the Towns and Cities

The objection of Gurubharta Tilaka Mr N Sreekantaiah, of Shimoga is that the Municipal authorities should have obtained previous sanction of Government to sell the site, as its value exceeded Rs 1,000/- as required by Section 38 (2) of the Town Municipalities Act

According to Section 38 (2) of the Town Municipalities Act previous sanction of Government should have been obtained The practice in such cases is to hold the sales first, and then to apply for the sanction of Government However the Municipal Council should not have anticipated sanction of Government in the case

That the present sale held on 30-6-45, is illegal for the reason that the sale has been held on the face of the existance of the Government Order dated 8th May 1926, prohibiting the construction of buildings in the area

The circumstances of the case have been clearly explained in the body of the covering letter addressed to Government The original papers leading up to this Government Order may kindly be perused

Deputy Commissioner,
Shimoga District

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read

Government order No 833-34/Muz 14-26-10 dated 5th November 1926, passing orders in the matter of sites for the construction of an Idga and a Mosque at Shimoga

Correspondence ending with letter No 286/26-27 dated 11th April 1928 from the Muzrai Commissioner in Mysore, stating that the site originally selected for the construction of a Mosque was, after the inspection of the place by the Dewan, considered not suitable for the purpose and that the Mohammadans, who were required to select another site in lieu of it and a site for the Idga have not yet done so, and recommending that the grant of the site already made may be cancelled and the Shimoga Municipality requested not to issue any license for the Construction of a Mosque or any other building in the park area

Order No 2023-5/Muz 291-27-2 dated, Bangalore, 8th May 1928

The Muzrai Commissioner's proposal is approved

2 The President of the Shimoga Municipality is requested not to issue any license for the construction of a Mosque or any other building in the park area

Sd/- T P Someswara Iyer,
for Secretary to Government,
Financial Department

No A6 J 507/27-28 Dated, Shimoga 12th July 1928

Copy of the above is forwarded to the President of the Shimoga Town Municipality for information

Sd/- Krishna Rao
For Deputy Commissioner,
Shimoga District

COPY

FOR DEPUTY COMMISSIONER
SHIMOGA DISTRICT

D O No M3.C.236/45-46
Encl One G O Copy

OFFICE OF THE DEPUTY COMMISSIONER
SHIMOGA DISTRICT

MR GEORGE MATTHAN B S
DEPUTY COMMI IONER

Dated Shimoga 18th Feb. 1946

Dear Sir,

Subject - Confirmation of the sale of site disposed of by the Shimoga Town Municipal Council for the construction of a Cinema at Shimoga

With reference to your D C letter No L 8260 dated 14th February, 46 on the above subject, I have the honour to forward herewith a copy of Government Order No L 5283-5/M1 45-36-26 dated 16th January' 36 as desired by you

Yours sincerely,

To
G Ramachandra Rao Esq , B A ,
Assistant Secretary to Government,
General & Revenue Secretariat,
BANGALORE

mgp

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Letter No A5,Acqn 3/35-36 dated 20th December 1935, from the Deputy Commissioner, Shimoga District, recommending sanction to the acquisition of properties in the Shimoga and Malgatta Villages of Shimoga Taluk, required for the improvement of Shimoga Town

ORDER No L 5283-5/M1 45-35-26
Dated, Bangalore, the 16th January, 1936

The acquisition of the properties recommended above is sanctioned, the Assistant Commissioner in charge of the Shimoga Sub Division being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Regulation and authorised to take order for the acquisition of the said properties

The declaration statements in English and Kannada will be forwarded to the Compiler, Mysore Gazette, for publication

The cost of acquisition will be met from the funds of the Shimoga Town Municipality

Sd/- A Subba Rao
For Secretary to Government,
Development Department

" C o p y "

Deputy Commissioner,
Shimoga District

map 2

L 8260
16 2 46

Dear Sir,

I am desired to request you to arrange to send by return post a copy of GO No 2528 3-5/ Rev 45-36-26 dt 16-1-1936 referred to in para 2 of your letter No 773-C 236/45-I dt 2-2-46 regarding the sale of site for the construction of a cinema at Shimoga

Yours,

for Secretary to Government

The Deputy Commissioner, Shimoga (by name)

WD 0565—GPB—22 500—8 11 38

for a cinema, as

56 acres and by funds raised in another
result that the total extent of the
required result is to be 56 acres
But in either case 146 sites are
proposed to be formed

Immediate. 3 two copies

R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

To, ~~L. 9111/Han 08 34~~
L. 9111-2 D 8 3 46
The D P H Mysore
The Govt Architect Mysore

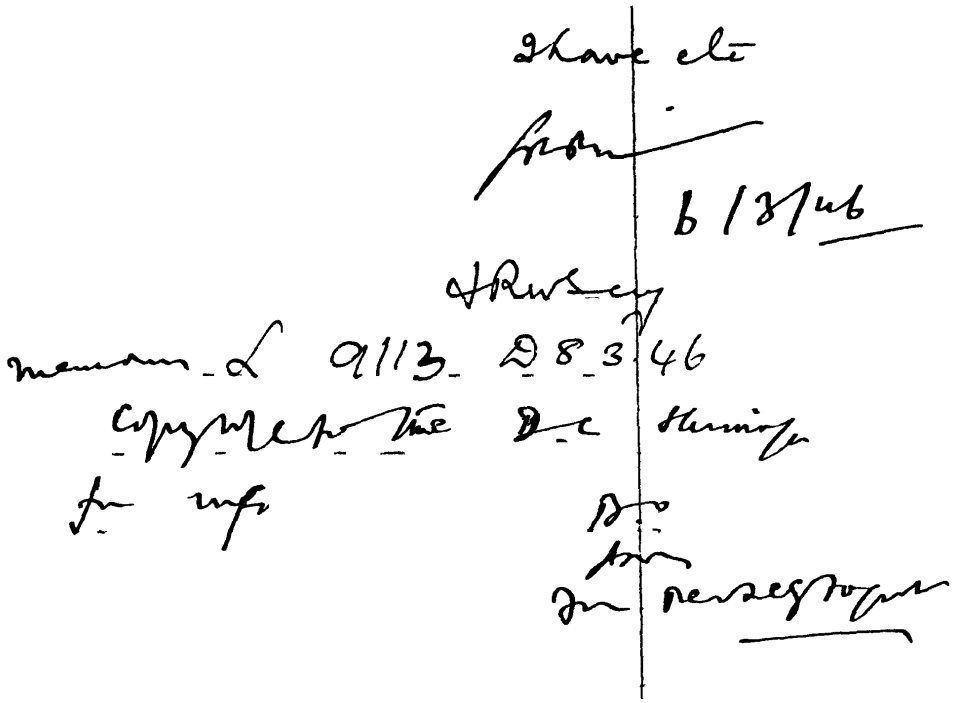
Typed
two copies please

Sir,

In forwarding herewith a copy of letter No 113 C 236/45-D 2/2/46 received from the ~~Your~~ D C. Shimoga District re the disposal of certain lands in the Bhadravati extension at Shimoga for the construction of a cinema at the place, I am directed to request you to furnish your opinion within three days as to whether the site in question is suited from the health and other points of view for the construction of a cinema, as

WD 0565—GPB —22 500—8 11 38

proposed by the Board of



No 2027
13 3 46

Office of the Government Architect
P W D Bangalore
Dated the March '46

To

The Secretary,
Revenue Department,
BANGALORE

Ref - Sale of site for Cinema House in the Durgigudi Extension, Shimoga

Sir,

With reference to your letter No L 9111-2, dated 8-3-'46, I have the honour to state that

1) The site sold by the Shimoga Municipality is suitable for a Cinema

2) It is however necessary to ascertain whether the area in question has been declared as a "Public Park" (Vide G O No 2023-5/Muz 291-27-2 dated 8-5-'28) If this is the case, the alienation of the site for any other purpose is highly objectionable Many parts of Cubbon Park in Bangalore may form suitable sites for cinemas, but it would still be objectionable for the City Municipality to auction them as Cinema sites, thus depriving the public of a very necessary lung space

I have etc ,
13/3/46
Government Architect

SD/

No.M3.C.236/45-46
Enc. Records.

Office of the Deputy Commissioner,
Shimoga District.

Dated, Bangalore the 2nd February 1946.

To

The Secretary to Government,
Revenue Department, Bangalore.

Sir,

Subject - Sale of site for Cinema House in the Durgigudi Extension, Shimoga. Confirmation of - objectio petition from the citizens of Shimoga Town re the disposal of the site in question.

With reference to your Memo No L.345 dated 14th July 1945 and subsequent letter No L.3647 dated 12th November 1945, forwarding for report the petition signed by Messrs. H Lingappa P. Murudappa (Advocates) and others of Shimoga Town, objecting to the disposal of the bit of site for Cinema House, on the Work-shop Road Durgigudi Extension, I have the honour to forward herewith in original the detailed letter No C.3.M.C 4/45-46 dated 14th September 1945 received from the Municipal President, Shimoga in the matter and to state as follows -

Certain S. Numbers in the Shimoga village comprising of S.Nos.3, 4, 5, 6 and 7 situated on the eastern side of the road leading from the Government Industrial Work-shop to Durgigudi and the New Railway Station Road, were originally garden lands and formed a source for breeding Malaria in Shimoga Town. With a view to prevent this and to improve the sanitation of the Town and to form a Neat town Extension, five S Nos. referred to above were acquired by the Shimoga Town Municipal Council in accordance with G O No L 5283-5/M1. 45-46-35-26 dated 16th January 1946. Just to the north of S No 7 (Referred to above) there is a vacant strip of land belonging to the Municipality This bit of land measures 31 guntas. To the west of the aforesaid land of the Municipality, there is S No 8 which is a Sarkar Kank with no atchkat under it.

There was pressing demand by the Public of Shimoga for disposal of a site in the Garden area, comprising of S.No.3, 4, 5, and 7 for the construction of a Cinema House in the locality fo the use of the Public - (vide applications received page 2 from

from Messrs. K. Sitaramappa & Sons, Hosanagar (2) K.V. Devappa, Nut-Merchant, Shimoga (3) and Bommaiah Gowda, and H. Rangappa Gowda & Co., Nut-Merchants, Shimoga, enclosed in the Records.

The Municipal Council, Shimoga, considered the several applications referred to above, at its meeting held on 18th April 1945 and passed a resolution to the effect that the site measuring 200' x 200' (ft) which is to the east of the road leading from the Government Industrial Work-shop to Durgigudi, be sold by public auction for the purpose of a cinema house.

In pursuance of this Resolution, the Municipal President, after giving due publicity to the sale of site in question, sold the site by public auction on 30-6-1945. There was keen competition at the sale and it was finally knocked down for Rs. 19,200/- in favour of one Mr. Hosode Venkata Sastry. The full amount of the sale proceeds is stated to have been recovered and credited to the Shimoga Municipal Funds. The sale in question was confirmed by the Municipal Council at its Meeting held on 21-7-1945 subject to the approval of Government as required in Section 38(2) of the Town Municipalities Act. The Municipal President requests that the sale in question might be got confirmed by Government.

It is after the holding of the sale of the site in question that the petition under reference seems to have been sent to Government urging for the cancellation of the sale on the several grounds mentioned therein, particularly on the ground that the site now disposed of is in the Park area, where the construction of building was prohibited by Government in the year 1928. Then again, copy of a petition by Gurubhakta Tilaka Mr. N. Srikantia Manager of the Malnad Arecanut Syndicate, Ltd., Shimoga, addressed the Minister for Agriculture, protesting against the disposal of site in question was received in this office on 29-8-1945. after the two petitions were refrred to the Municipal President submission of a detailed report on the several points urged the

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I have examined the question in detail and with reference to the several points urged in the objection petitions. The enclosed note explains the several points mentioned in the petitions.

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It may therefore be possible to minimise the disturbance likely to be caused by the cinema house by properly locating the same. Apart from th is, even in big towns, Cinema houses are to come up in the centre of residential areas. As such I feel that this objection cannot be taken as a valid objection to the disposal of the site.

As re aids the position and location of the site now sold by the Municipality, I forward herewith a sketch of the area under reference, obtained from the Amildar, Shimoga Taluk. It is seen therefrom that the portion marked A.B. C.D. ~~xxxxxxxxxxxxxxxx~~ measuring 200' x 200' is the site that is now sold. The plot shown in the red colour, marked A.B.E.D. measuring 25 guntas is Municipal land. But the triangular bit of land marked B C.F. (in the sketch) measuring 200' x 61' or six guntas in area which is a portion of S.No.8 (of Shimoga Revenue village) is a Sircar Tank, with no atchkat (under it), has also been included in the site marked A.B.C.D. and disposed of by the Municipality without obtaining the required sanction from the Revenue Authorities. The gross area of S.No.8 (which is a Sircar Tank) is 3-18 guntas.

It is irregular on the part of the Municipality to have included an area that did not belong to it, while marking out a site for construction of a Cinema house. Till the area was measured out as per my instructions, the Municipal Authorities had no idea that a portion of Government land had been included in the site. Action will have to be taken to obtain necessary sanction to the alienation of this portion (in S.No.8) in favour of the Municipality, if the sale of this site by the Municipality, is approved.

With regard to the point raised by the objectors to the effect that the construction of buildings in the park area has been prohibited by Government, I write to state that from the references available in this Office, I see that in the year 1928, when the question of constructing a Mosque and an Idga, in the Park Area, for the use of the Mohamadan residents of Durgigudi, engaged the attention

attention of the Mohamadan citizens, the Muzrai Commissioner in Mysore, Bangalore, submitted proposals to Government, Vide his letter No 286/26-27 dated 11-1-1928, recommending the cancellation of the site already granted to the Mahamadans and further added that the Shimoga Town Municipality be required not to issue any license for the construction of a Mosque or any other building in the Park Area These proposals were approved by Government Vide Government Order No 2023-5/Muz 291-27-2 dated 8th May 1928-Vide copy of Government Order enclosed for favour of reference As the original records bearing on this subject are not available in my office, I could not verify the exact circumstances under which the construction of a -- mosque or any other building within the Park Area, was prohibited. I presume that such an order was passed as the matter involved was a communal one The Secretariat records relating to the question may kindly be looked into to clarify the position

In the light of the aforesaid prohibitory order from Government I feel that the Municipal Authorities should have taken orders of Government to the disposal of the site in the aforesaid area for the construction of a Cinema House, and also to get the triangular bit of land-marked B C D in the sketch (portion of the Government abandoned Tank) alienated in favour of the Municipality Besides, sanction of Government was also necessary to the disposal of the site-worth more than Rs 1,000/- Hence the action taken by the Council to dispose of the site for the construction of a Cinema House was not correct

However it must be noted that the bit of site that has now been sold and also the adjoining open space comprising of S Nos 3,4, 5,6,7 and S No 8 (abandoned Sircar Tank, constitutes an area which is full of pits and uneven surface, where water pools are formed in the rainy season Consequently this is a malaria breeding place and a source of nuisance to the residents of the surrounding areas It is therefore not advisable to keep this area open, from the point of sanitation and public health of Shimoga Town

Out of the grant of Rs 10,000/- sanctioned to the Shimoga Town Municipality during 1944-45 for filling up insanitary pits in the Town, as an anti-malaria measure, the Shimoga municipality have undergone to fill up the insanitary pits in the area referred to above by expending heavy sums. They have got the entire area levelled up and the object with which the Council decided to mark out a site here for the construction of a Cinema house is to -- improve the surroundings As already stated I am of opinion that the construction of a Cinema house in this area will not really be much of a nuisance but will meet the demand for a well equipped modern Cinema house in this part of the Town The existing two Cinema houses in Shimoga are located in a congested area of the Town It is therefore very desirable to have one more cinema house in this part of the Town

By the present sale of Cinema site, the Municipal Council have realised a fairly good income, viz , Rs 19,200/- for a total extent of 61 Guntas which includes six guntas of Sircar abandoned tank The proportional cost per gunta works out to Rs 640/- or Rs 3,840/- for six guntas

The Municipality has however spent a heavy amount to breach the tank and to level the surrounding areas, with a view to keep the area free from congestion and to prevent the stagnation of water

further the remaining portion of S No 8 1 e , the abandoned Sircar Tank is not useful to Government for any other purpose It appears to be desirable to permit the Municipality to level up the area and to form a park here I am therefore of opinion that the remaining extent of 5 acres 12 guntas of the abandoned tank, may be given over to the Municipality free of cost or after recovering a nominal upset price, subject to the condition that the Municipal Council undertake to keep the area clean and tidy by laying out a park

In the circumstances, I recommend that the disposal xxx of site measuring 200' x 200' (as shown in the sketch furnished by the Amildar) might be confirmed in the name of the present auction purch Mr. Mosole Venkata Sastry, subject to the following conditions, viz , 1. that the auction purchaser should strictly conform to the conditions setforth in the sale notification.

2. that, the purchaser should construct a Cinema House on the site, according to the specification and plans to be approved by the Government Architect.

I further solicit the favour of orders of Government on the following points, viz.,

(a) that the directions issued to the President of the Shimoga Town Municipal Council, not to issue any license for the construction of a Mosque, or any other building in the Park Area, vide Government Order No 7023-F/Muz 291-27-2 dated 8th May 1928 may kindly be raised.

(b) that the action of the Municipal Council, in having disposed of the site under reference, contrary to the procedure laid down under section 38 (2) of the Town Municipalities Act may kindly be ratified,

(c) that the action of the Municipal Council in having taken over six guntas of land out of S No 8 (a circar abandoned tank) and adding it into the site area measuring 200' x 200' (which has been disposed of by public auction) may kindly be approved on condition that the proportionate sale price realised by the municipality the sale is credited to Government.

(d) that orders of Government may kindly be obtained and communicated for handing over to the Shimoga Town Municipality (the remaining portion of the abandoned tank i.e., S No.8) measuring 3 acres and 12 guntas, (after deducting six guntas already taken by the Municipality) free of cost or after

council to keep the Park Area neat and free from congestion.

These recommendations are made on the assumption that the Government order prohibiting disposal of the area for building purposes was made on communal considerations. I am unable to furnish a definite opinion in the matter in the absence of the original records relating to the subject leading up to the Government Order No.2023-S/Muz.291-27-2 -- dated the 8th May 1928. If however, the above decision of Government was on other grounds, the original papers may kindly be forwarded to me to enable me to furnish my definite recommendation in this matter.

The mass petition presented to me on 31-10-45, at the time of spot inspection is forwarded herewith. The signatories of the petition have among other matters stated therein that the construction of a Cinema House on the site now sold by the Municipality is quite necessary, that they are in favour of the construction of a Cinema House, and that the sale already held might be confirmed.

The entire sale records together with the petition received with your marginall noted communications, are forwarded herewith for favour of reference and kind return when done with.

1. Memo No.L.345 dated 14-7-45
2. Letter No.L.347 dated 12th Nov.1945

"Copy"

9/X/46

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

L 9710
21 3.46

Dear Sir,

I am desired to request you to furnish immediately, the reports called for in this office letter no L9111-2 of 5/3/46 on the disposal of certain land in the Dungarpur extension at Shimoga for the construction of a cinema at Shimoga

Yours
for W W Webb

To,

The D P H (Shimoga)

L 10504 of 8.4.46

To be typed

Dear Sir,

I am desired to refer to this office letter no 9111-2 of 5/3/46 and subsequent reminder no 9710 of 21/3/46 on the disposal of certain land in the Dungarpur extension at Shimoga for the construction of a cinema and to request you to submit the report called for in this matter, without any further delay

Yours
for W W Webb

To, The D P H (Shimoga)

WD 0436—GPB—10 000—17 10 33

No C 9[illegible]393
Encl

Office of the Director of Public Health in Mysore,
Bangalore, Dated 6th April, 1946

7057(a)

To

The Secretary to Government,
Revenue Department, Bangalore

Sir,

With reference to your letter No L 9111-2/L1, dated 5th March 1946, I have the honour to inform that I inspected the site on the 26th March 1946 with the President , Shimoga Municipality

The site is a filled up katte for the purpose of preventing malaria and the work was undertaken at Government expense This site adjoins Veerasaiva hostel grounds The open ground of the Veerasaiva Hostel and this ground form the only open space separating the old town from the extension

It is in front of the new bungalows that have been put up in continuation of the Durgigudi extension where there are residential buildings

If the cinema theatre is put up at the site, naturally a few shops will also rise with it The old town will become contiguous with the new extension There will be no break betwe n the two areas Further, construction of a cinema at this place will not only be a nuisance

[illegible]p t o

but will not give restful nights to the people who live in the residential areas opposite

As such I am of opinion that the construction of a cinema may not be permitted

Further there is another marshy area which now exists as an open space between the few buildings that have been put up along Bangalore-Honnavar road and Durgigudi extension The Municipality has formed this also into sites An estimate has been prepared for subsoiling this marshy area If this area is also allowed to be built on, there will be no greenbelt or open space left between the extension and the old town

I request the Municipal Council may be written to, to avoid the construction of buildings over this marshy area which is to be treated

I have the honour to be,
Sir,
Your most obedient servant

Director of Public Health

Mc 110-46-16 Mc. 126-46-29

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

No. L 1158/WIR

To, 25.7.46

The D-c Shimoga

Sir,

With reference to the correspondence ending with your letter No W3-c 236/45 of 2-2-1946 re the sale of a site in the Dmgrgundi-extension at Shimoga for the construction of a cinema etc, I am directed to state that the action of the Shimoga Town Municipality in having disposed of govt lands to the extent of 6 guntas out of S No 8 (a tank bed) to a private person for a cinema building without obtaining the previous sanction of govt and in spite of the directions issued by the govt. in

P T O

WD 03697—GPB—30 000—2 2 46

Play IV

Go No 2023-5/ Mcg 291- 27-2 & 8-5-28 & fG N

is handed The sale of the 6 guntas
of land cannot, therefore be affirmed
both the D P H and the Govt Architect are not in favour of the construction
The open land may, accordingly, continue of a cinema theatre at that
as such for the present and be in from the health point of view
the possession of the Govt, as it may
be required for Govt offices etc

The Shimoga Town Mal el may
in the above circumstances, be informed
that the sale of the land held
in this connection is also cancelled
and that the amount credited in
this behalf may be refunded to the party.

I am further to add that
the Minister for Revenue would inspect
the spot and give further instructions
if necessary, when he visits Shimoga
on the next occasion

Records accompany

I have etc

for

Joint Secretary